

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CLIFTON DAVID SIMS,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; and
UNITED STATES OF AMERICA,

Defendants.

Case No. 1:19-cv-345 (CKK)

JOINT STATUS REPORT

By order dated August 9, 2019, the Court stayed this case “for a period of 60 days or until the D.C. Circuit has issued a decision in either *Lovitky* [v. *Trump*, Civ. A. 19-1454 (CKK)] or *Blumenthal* [v. *Trump*, Civ. A. 17-1154 (EGS)].” Order 1, ECF No. 19. By the Court’s same Order, the Court directed the parties either (1) “to file a Joint Status Report proposing next steps five days after the D.C. Circuit issues a decision in either *Lovitky* or *Blumenthal*,” or (2) “[i]f a decision has not issued [in either *Lovitky* or *Blumenthal*] by OCTOBER 11, 2019, . . . to file a Joint Status Report by that date indicating whether or not the stay should be extended.” Pursuant to that Order, the parties met and conferred, via undersigned counsel, on October 10 and 11, 2019 and submit the instant status report as follows:

1. The D.C. Circuit has not yet issued a decision in either *Lovitky* or *Blumenthal*. The status of each case is as follows:

a. In *Lovitky*, Appellant’s Brief was filed on August 21, 2019, and Appellee’s Brief was filed on October 9, 2019. Appellant’s Reply Brief is due October 21, 2019. No further deadlines or proceedings have been calendared in that case.

b. In *Blumenthal*, Appellant’s Brief was filed on October 1, 2019. Appellees’

Brief is due October 22, 2019, and Appellant's Reply Brief is due November 5, 2019. No further deadlines or proceedings have been calendared in that case.

2. The parties respectfully submit that, in light of the status of proceedings in *Lovitky* and *Blumenthal*, the stay in this case should be extended for an additional 60 days or until the D.C. Circuit has issued a decision in either *Lovitky* or *Blumenthal*, whichever occurs first. The parties further submit that the Court should order the parties to file a Joint Status Report proposing next steps five days after the D.C. Circuit issues a decision in either *Lovitky* or *Blumenthal*, or if a decision has not issued in *Lovitky* or *Blumenthal* by December 10, 2019, to file a Joint Status Report by that date indicating whether or not the stay should be extended.

Dated: October 11, 2019

/s/ Mark S. Zaid

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Respectfully submitted,

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